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09/642,538	08/18/2000	Jeffrey R. Kaufman	1085/37870/18	7591

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EXAMINER	
LAMB, TWYLER MARIE	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,538	KAUFMAN ET AL.	
	Examiner	Art Unit	
	Twyler M. Lamb	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5, 7-14, 18, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Petterutti et al. (Petterutti) (US 5,997,793).

With regard to claim 1, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10) comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing configured to determine a condition of the printer (col 3, lines 59-65; col 5, lines 8-47; col 7, lines 15-31), and thereafter automatically transmit data corresponding to the condition to a remote location over at least one of an Intranet, the Internet and a wireless communication network (col 7, lines 9-31).

With regard to claim 5, Petterutti also discloses said printer including a microprocessor (CPU 34) and a port (serial comm., interface 42, infrared comm. Interface 44, short or long range radio comm. Interface 46), said microprocessor in communication with said port and configured to transmit the data through said port to at least one of the Intranet, the Internet and wireless communication network (col 7, lines 9-31).

With regard to claim 7, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10) comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing configured to provide that a label format stored in the printer is at least one of viewable and modifiable (which reads on the information to be printed) (col 7, lines 9-14; col 8, lines 5-15) at a remote location over at least one of an Intranet, the Internet and a wireless communication network (col 7, lines 9-31).

With regard to claim 8, Petterutti also discloses said printer configured to provide that the label format is at least one of viewable and modifiable via at least one of a personal computer connected to the Internet (col 7, lines 9-13).

With regard to claim 9, Petterutti also discloses said printer configured to provide that the label format is at least one of viewable and modifiable using a web browser on a personal computer connected to at least one of the Intranet and the Internet (col 7, lines 9-13).

With regard to claim 10, Petterutti also discloses said printer including a

microprocessor (CPU 34) and a port (serial comm., interface 42, infrared comm. Interface 44, short or long range radio comm. Interface 46), said microprocessor in communication with said port and configured to transmit label format data through said port to at least one of the Intranet, the Internet and wireless communication network (col 7, lines 9-31).

With regard to claim 11, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10) comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing configured to provide that the printer is programmable and controllable from a remote location over at least one of an Intranet, the Internet and a wireless communication network (col 7, lines 9-31).

With regard to claim 12, Petterutti also discloses said printer having an operating system (CPU 34) and at least one program stored therein which operates within the operating system (col 5, lines 8-36), said printer configured to provide that the program is at least one of controllable, modifiable and viewable via a personal computer connected to at least one of the Intranet and the Internet (col 7, lines 9-31).

With regard to claim 13, Petterutti also discloses said printer configured to provide that the printer is programmable and controllable via at least one of a personal computer connected to the Internet (col 7, lines 9-31).

With regard to claim 14, Petterutti also discloses said printer configured to provide that the printer is programmable and controllable using a web browser on a personal computer connected to at least one of the Intranet and

the Internet (col 7, lines 9-31).

With regard to claim 18, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10) comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing configured to provide that settings of the printer are at least one of viewable and modifiable from a remote location over at least one of an Intranet, the Internet and a wireless communication network (col 7, lines 9-31).

With regard to claim 20, Petterutti also discloses said printer configured to provide that the printer is programmable and controllable using a web browser on a personal computer connected to at least one of the Intranet and the Internet (col 7, lines 9-31).

With regard to claim 21, Petterutti also discloses said printer configured to transmit data in XML format over the Internet, said data corresponding to the settings of the printer, said data viewable and modifiable using a web browser on a personal computer connected to at least one of the Intranet and the Internet (col 7, lines 9-31).

3. Claims 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nocker, IV (Nocker) (US 6,236,486).

With regard to claim 23, Nocker discloses a method of cloning a plurality of printers, comprising: uploading from one printer data corresponding to settings of the

printer (col 2, lines 1-14; col 4, lines 14-27)); downloading the data to a plurality of printers to clone the printers, wherein settings of the printers are the same (col 2, lines 1-14; col 7, lines 25-34).

With regard to claim 24, Nocker also discloses wherein the data is in XML Format (which reads on being able to be sent through a wireless LAN) (col 1, lines 49-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-3, 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petterutti et al. (Petterutti) (US 5,997,793) in view of Garg et al. (Garg) (US 6,327,677).

With regard to claim 2, though Petterutti discloses transmitting the status information (condition of the printer) he does not clearly teach said printer configured to transmit the data via e-mail.

Garg discloses a system that monitors interconnected devices including printers in a network environment that includes said printer configured to transmit the data via e-mail (col 1, lines 13-35; col 6, lines 12-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include said printer configured to transmit the data via e-mail as taught by Garg. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Garg to notify persons of the status of the interconnected devices including printers by email as taught by Garg in col 6, lines 12-21.

With regard to claim 3, Petterutti as modified does not clearly teach said printer configured to transmit the data along the wireless communication network to at least one of an Internet-ready paging device.

Garg discloses a system that monitors interconnected devices including printers in a network environment that includes said printer configured to transmit the data along the wireless communication network to at least one of an Internet-ready paging device (col 6, lines 12-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include said printer configured to transmit the data along the wireless communication network to at least one of an Internet-ready paging device as taught by Garg. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Garg to notify persons of the status of the interconnected devices including printers by email as taught by Garg in col 6, lines 12-21.

With regard to claim 6, Petterutti as modified does not clearly teach said printer configured to determine whether a condition of the printer has been cleared, and

thereafter automatically transmit a message to a remote user that the condition has been cleared.

Garg discloses a system that monitors interconnected devices including printers in a network environment that includes said printer configured to determine whether a condition of the printer has been cleared, and thereafter automatically transmit a message to a remote user that the condition has been cleared (col 15, lines 35-51).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include said printer configured to transmit the data along the wireless communication network to at least one of an Internet-ready paging device as taught by Garg. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Garg to notify persons of the status of the interconnected devices including printers by email as taught by Garg in col 6, lines 12-21.

With regard to claim 19, Petterutti as modified does not clearly teach said printer configured to provide that settings of the printer are at least one of viewable and modifiable using at least one of an Internet-ready pager.

Garg discloses a system that monitors interconnected devices including printers in a network environment that includes said printer configured to provide that settings of the printer are at least one of viewable and modifiable using at least one of an Internet-ready pager (col 6, lines 12-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include said printer configured to provide

that settings of the printer are at least one of viewable and modifiable using at least one of an Internet-ready pager as taught by Garg. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Garg to notify persons of the status of the interconnected devices including printers by email as taught by Garg in col 6, lines 12-21.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petterutti et al. (Petterutti) (US 5,997,793) in view of Petterutti et al. (Petterutti) (US 5,267,800).

With regard to claim 4, Petterutti (US 5,997,793) as modified does not clearly teach said printer configured to process data and upload the processed data to a host when the host is ready to receive the data, said printer configured to continue operating when the host is not ready to receive the data.

Petterutti (US 5,267,800) discloses a portable printer that includes said printer configured to process data and upload the processed data to a host when the host is ready to receive the data, said printer configured to continue operating when the host is not ready to receive the data (col 7, line 53 – col 8, line 31).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti (US 5,997,793) to include said printer configured to process data and upload the processed data to a host when the host is ready to receive the data, said printer configured to continue operating when the host is not ready to receive the data as taught by Petterutti (US 5,267,800). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified

Petterutti (US 5,997,793) by the teaching of Petterutti (US 5,267,800) to control and receive the information as taught by Petterutti (US 5,267,800) in col 7, line 53 – col 8, line 31.

7. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petterutti et al. (Petterutti) (US 5,997,793) in view of Durst (US 5,524,993).

With regard to claim 15, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10) comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing.

Petterutti does not clearly teach that the electronics in the housing are configured to provide that the printer receives a barcode rendering algorithm through a port.

Durst discloses barcode printer that includes being configured to provide that the printer receives a barcode rendering algorithm through a port (col 4, lines 57-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include that the electronics in the housing are configured to provide that the printer receives a barcode rendering algorithm through a port as taught by Durst. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Durst to provide a barcode printer that prints labels and tags and the like as taught by Durst in col 1, lines 6-12.

With regard to claim 16, Petterutti as modified does not clearly teach said printer configured to receive said barcode rendering algorithm as executable code and configured to thereafter execute the code to print a barcode.

Durst discloses barcode printer that includes said printer configured to receive said barcode rendering algorithm as executable code and configured to thereafter execute the code to print a barcode (col 4, lines 57-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include that the electronics in the housing are configured to provide that the printer receives a barcode rendering algorithm through a port as taught by Durst. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Durst to provide a barcode printer that prints labels and tags and the like as taught by Durst in col 1, lines 6-12.

With regard to claim 17, Petterutti also discloses wherein said printer is configured to receive a barcode rendering algorithm from a remote location over at least one of an Intranet, the Internet and a wireless communication network (col 7, lines 9-31).

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petterutti et al. (Petterutti) (US 5,997,793) in view of Durst (US 5,524,993) and Strobel (5,579,449).

With regard to claim 22, Petterutti discloses a printer (printer 10) which is configured to print labels, tags or the like (col 4, lines 35-38), said printer (printer 10)

comprising: a housing (housing 12); and electronics (controller assembly 22) in the housing.

Petterutti does not clearly teach a method of making it easy for a user to keep a printer up-to-date with regard to barcode rendering algorithms stored therein, that the electronics in the housing are configured to provide that the printer can receive a barcode rendering algorithm over at least one of an Intranet, the Internet and a wireless communication network; posting a plurality of barcode rendering algorithms on the Internet; and allowing the user to download the barcode rendering algorithms and forward the barcode rendering algorithms to the printer over at least one of the Intranet, the Internet and wireless communication network.

Durst discloses barcode printer that includes being configured to provide that the printer receives a barcode rendering algorithm through a port (col 4, lines 57-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti to include that the electronics in the housing are configured to provide that the printer receives a barcode rendering algorithm through a port as taught by Durst. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Petterutti by the teaching of Durst to provide a barcode printer that prints labels and tags and the like as taught by Durst in col 1, lines 6-12.

Strobel discloses a data processing system that includes allowing the user to

download the barcode rendering algorithms and forward the barcode rendering algorithms to the printer over at least one of the Intranet, the Internet and wireless communication network (col 2, lines 26-38).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified Petterutti to include allowing the user to download the barcode rendering algorithms and forward the barcode rendering algorithms to the printer over at least one of the Intranet, the Internet and wireless communication network as taught by Strobel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified Petterutti by the teaching of Strobel to reduce the number of printer control commands as taught by Strobel in col 1, lines 7-9.

Response to Arguments

9. Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive.

Applicant argues Petterutti does not teach the label format stored in at least one viewable and modifiable at a remote location.

Petterutti discloses teach the label format stored in at least one viewable and modifiable at a remote location in (which reads on the information to be printed) in col 7, lines 9-14; col 8, lines 5-15.

Applicant argues that Nocker does not teach downloading a printer configuration over a network.

Nocker discloses downloading a printer configuration over a network in col 2, lines 1-14; col 7, lines 25-34.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 703-308-8823. The examiner can normally be reached on M-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Twyler M. Lamb
Examiner
Art Unit 2622